

Message Text

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62

ACTION EUR-25

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E.O. 11652: N/A

TAGS: PINT, IT

SUBJECT: TRANSFER OF CONTROVERSIAL MAGISTRATE

REF: ROME 1576

1. THE SUPERIOR COUNCIL OF THE MAGISTRACY ON APRIL 8 TOOK THE DECISION (REPORTEDLY UNPRESEDENTED IN A CASE INVOLVING A PROSECUTOR GENERAL) TO TRANSFER CARMELO SPAGNUOLO (REFTEL) FROM HIS PRESENT JOB AS PROSECUTOR GENERAL ON THE ROME COURT OF APPEALS. THE COUNCIL ACTED ON GROUNDS OF A 1946 LAW PERMITTING TRANSFER OF A JUDGE IF HE IS UNABLE TO ADMINISTER JUSTICE WITHIN HIS JURISDICTIONAL AREA WITH THE NECESSARY PRESTIGE OF HIS OFFICE. HIS FUTURE ASSIGNMENT WAS NOT ANNOUNCED.

2. THE COUNCIL'S DECISION, EFFECTIVE IMMEDIATELY, STEMS DIRECTLY FROM SPAGNUOLO'S BOMBHELL INTERVIEW CHARGING POLITICALLY LINKED POLICE CORRUPTION WHICH APPEARED ON JANUARY 24 IN THE LEFT OF CENTER WEEKLY IL MONDO. THE COUNCIL JUDGED SPAGNUOLO'S REPUDIATION OF THE INTERVIEW AS INADEQUATE AND HIS CONDUCT IN THE AFFAIR AS INSUFFICIENTLY CAUTIOUS. SPAGNUOLO, NOW UNDER TREATMENT IN A ROME CLINIC, CAN APPEAL THE COUNCIL DECISION TO THE COUNCIL OF STATE AND TO THE COURT OF CASSATION (SUPREME COURT).

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3. THE "SPAGNUOLO CASE" IS SYMPTOMATIC OF THE PROFUND MALAISE

INFECTING THE ITALIAN JUDICIAL SYSTEM AND THE BODY POLITIC
AS A WHOLE, AND THE DECISION TO TRANSFER SAPGNUOLO IS LIKELY
TO BE READ BY OTHER MAGISTRATES AS A WARNING NOT TO INTERJECT
THEMSELVES TOO FORCEFULLY INTO POLITICALLY CHARGED IMBROGLIOS.
THE DECISION ALSO LEAVES UNANSWERED THE KEY QUESTION OF THER
ACCURACY OF HIS CHARGES AGAINST THE POLICE AND THE MAGISTRACY
ITSELF.VOLPE

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